

J216FIGC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

18 CR 684 (VM)

5 CHRISTIAN FIGALLO and KENYATTA
6 TAISTE,

7 Defendants

Conference

8 -----x

9 New York, N.Y.
February 1, 2019
10 9:45 a.m.

11 Before:

12 HON. VICTOR MARRERO,

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 BY: NICHOLAS CHIUCHIOLO

18 Assistant United States Attorney

19 COHEN & FORMAN, LLP

Attorneys for Defendant Figallo

20 BY: DAVID J. COHEN

21 ZACHARY MARGULIS-OHNUMA, ESQ.

VICTORIA MEDLEY, ESQ.

22 Attorneys for Defendant Taiste

J216FIGC

(In open court; case called)

THE COURT: Thank you. Please be seated.

This is a proceeding in the matter of United States v. Figallo, et al., Docket No. 18 CR 8684.

Please enter your appearances for the record, counsel.

MR. CHIUCHIOLO: Good morning, your Honor Nicholas Chiuchiolo for the United States.

MR. COHEN: David Cohen on behalf of Christian Figallo. Good morning, sir.

MS. MARGULIS-OHNUMA: Zachary Margulis-Ohnuma and Victor Medley on behalf of Kenyatta Taiste. Good morning, your Honor.

MS. MEDLEY: Good morning.

THE COURT: Good morning.

At the last conference in this matter the government had committed to completing production of discovery by November 22nd. There was a question concerning certain telephone access for which additional time was required and the government was to inform the parties and Court of completion of that telephone discovery. We scheduled a followup conference which was adjourned until today.

Mr. Chiuchiolo, will you bring the Court up to date on the current status of discovery?

MR. CHIUCHIOLO: Yes, your Honor. There were a number of electronic devices seized in connection with the arrest here

J216FIGC

1 as to both defendants. The government has completed production
2 of the contents of that electronic discovery, which is
3 voluminous. So discovery is complete. I would add that the
4 government is engaged in discussions with both defendants as to
5 a possible disposition and at this juncture the government
6 expects that there will be a disposition as to both defendants
7 in this case.

8 In consultation with defense counsel, the parties
9 would request setting a control date in April. I think defense
10 counsel have requested the week of April 15th. Although, I
11 would expect dispositions before then.

12 THE COURT: Mr. Cohen.

13 MR. COHEN: I agree with the government, your Honor,
14 and I agree to the April 15 or the week of April 15th date.

15 THE COURT: Mr. Margulis-Ohnuma?

16 MS. MARGULIS-OHNUMA: Yeah. I think we basically
17 agree with that, too, your Honor.

18 THE COURT: Thank you.

19 Let's look at the calendar for a date of April 15th.

20 THE LAW CLERK: April 19th at 10:00 a.m.

21 MR. COHEN: That's fine for me.

22 THE COURT: Mr. Chiuchiolo.

23 MR. CHIUCHIOLO: That's all right with the government.

24 MS. MARGULIS-OHNUMA: Yes, Judge. Thank you.

25 THE COURT: Is there a motion on that schedule?

J216FIGC

1 MR. CHIUCHIOLO: I am sorry?

2 THE COURT: Is there a motion regarding that schedule?

3 MR. CHIUCHIOLO: Yes, your Honor. The government
4 would move to exclude time from Speedy Trial Act calculations
5 between or through April 19th so that the parties can continue
6 their discussions regarding a disposition in this matter.
7 Thank you.

8 THE COURT: Thank you.

9 Mr. Cohen?

10 MR. COHEN: We're in agreement with that and ask time
11 be excluded pursuant to the Speedy Trial Act.

12 THE COURT: Mr. Margulis-Ohnuma?

13 MS. MARGULIS-OHNUMA: No objection, your Honor.

14 THE COURT: On the government's motion to exclude time
15 from today to April 19th, no objections recorded by the
16 defendants, the motion is granted. I find that the reasons
17 conveyed to the Court warrant this exclusion of time as it is
18 intended to ensure the effectiveness of counsel and to prevent
19 any miscarriage of justice. The Court is satisfied that the
20 ends of justice served by the granting of this continuance
21 outweigh the best interests of the public and defendants in a
22 speedy trial. This order of exclusion of time is entered
23 pursuant the provisions of the Speedy Trial Act, Title 18,
24 U.S.C., 3161(h)(7)(b)(2) and (4).

25 If there is nothing else, I thank you and have a good

J216FIGC

day and good weekend.

-0-